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## NOTICE OF ALLOWANCE AND FEE(S) DUE

26610

7590

01/27/2009

STROOCK & STROOCK & LAVAN LLP  
180 MAIDEN LANE  
NEW YORK, NY 10038

EXAMINER

KISACK, DANIEL

ART UNIT

PAPER NUMBER

3691

DATE MAILED: 01/27/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/630,557

08/02/2000

Keiichi Nakajima

000790/0008

9517

TITLE OF INVENTION: ELECTRONIC SETTLEMENT SYSTEM, SETTLEMENT APPARATUS, AND TERMINAL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	04/27/2009

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail**

**Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

26610 7590 01/27/2009

**STROOCK & STROOCK & LAVAN LLP  
180 MAIDEN LANE  
NEW YORK, NY 10038**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/630,557	08/02/2000	Keiichi Nakajima	000790/0008	9517
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TITLE OF INVENTION: ELECTRONIC SETTLEMENT SYSTEM, SETTLEMENT APPARATUS, AND TERMINAL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	04/27/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
KESACK, DANIEL	3691	705-040000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/A/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,557	08/02/2000	Keiichi Nakajima	000790/0008	9517
26610	7590	01/27/2009		
STROOCK & STROOCK & LAVAN LLP 180 MAIDEN LANE NEW YORK, NY 10038				
EXAMINER KISACK, DANIEL				
ART UNIT			PAPER NUMBER	

3691

DATE MAILED: 01/27/2009

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 769 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 769 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

09/630,557

**Applicant(s)**

NAKAJIMA, KEIICHI

**Examiner**

Daniel Kesack

**Art Unit**

3691

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed May 20, 2008.
2. ☒ The allowed claim(s) is/are 2, 11, 12, 54, 57-68, 70, 71, 74-81 and 83-87.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 5/21/08; 8/6/08
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Hani M. Kazimi/  
Primary Examiner, Art Unit 3691

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Schaeffer on August 29, 2008.

The application has been amended as follows:

Cancel claims 56 and 73.

54. (Currently amended) An electronic settlement system for effecting an authentication through a communication network, comprising:

a first terminal for purchasing an item by a user thereof, which is at least one of a cellular phone and a PDA, the first terminal including an input unit for inputting authentication information of the user and connecting to the communication network;

a second terminal for charging the user of the first terminal a purchase amount, the second terminal being connected to the communication network;

a database for storing authentication information of the user and a plurality of authentication methods; and

a mediating server which performs the settlement of the authentication by mediating a communication between the first terminal and the second terminal one-to-one when receiving an ID information from one of the first terminal and the second terminal so as to determine that the first terminal and the second terminal are participating in a same purchase, the mediating server setting at least one of the authentication methods selected by either one of the users of the first terminal and the second terminal, the selected authentication method being processed between the first terminal and the second terminal that have been determined to be participating in the same purchase, wherein one of the mediating server and the second terminal authenticates the user by using the authentication information stored in the database,

wherein when receiving a request signal from one of the first terminal and the second terminal, the mediating server sets up and transmits the ID information to the one of the first terminal and the second terminal which sent the request signal to the mediating server, and when receiving the same ID information from the other one of the second terminal and the first terminal, the mediating server mediates the communication with the first terminal and the second terminal, the settlement of the purchase is executed by an instruction from said first terminal during mediating the communication with the first terminal and the second terminal, ~~and~~

wherein the request signal includes a unique ID of at least one of the first terminal and the second terminal, and

wherein said database includes,

a first terminal database for storing the authentication information of the user and the authentication methods demanded by the user of said first terminal, and

a second terminal database for storing an authentication method demanded by the user of the second terminal, wherein the mediating server sets an agreeable authentication method in accordance with the authentication method stored in the first terminal database and the authentication method stored in the second terminal database.

57. (Currently amended) An electronic settlement system according to claim 56 54, wherein the mediating server stores respective agreeable authentication methods in relation to a combination of the authentication method demanded by the user and the authentication method demanded by the user of the second terminal, and the mediating server sets the agreeable authentication method by verifying the authentication methods stored in the first terminal database and the second terminal database.

71. (Currently amended) An apparatus for effecting an authentication through a communication network with a first terminal including an input unit for inputting authentication information of a user, which is at least one of a cellular phone and a PDA, and a second terminal, for charging the user a purchase amount, the apparatus comprising:

a first communication unit connected to the second terminal via a first communication network;

a second communication unit connected to the first terminal via a second communication network;

a database for storing the authentication information of the user and a plurality of authentication methods; and

a processing unit for performing the settlement of the authentication by mediating a communication between the first terminal and the second terminal one-to-one when one of the first communication unit and the second communication unit receives an ID information from one of the second terminal and the first terminal so as to determine that the second terminal and the first terminal are participating in a same purchase, wherein the processing unit processes at least one of the authentication of the user or mediates the authentication of the user selected by either one of the users of the first terminal and the second terminal, the selected authentication method being processed by the first terminal and the second terminal, by using the authentication information stored in the database,

wherein, when one of the first communication unit and the second communication unit receives a request signal from one of the second terminal and the first terminal, the processing unit sets up the ID information and one of the first and second communication units transmits the ID information to the one of the second terminal and the first terminal which sent the request signal, and when one of the first and second communication units receives the same ID information from the other one



of the first terminal and the second terminal, the processing unit mediates the communication between the first terminal and the second terminal, the settlement of the purchase is executed by an instruction from said first terminal during mediating the communication with the first terminal and the second terminal, ~~and~~

wherein the request signal includes a unique ID of at least one of the first terminal and the second terminal, and

wherein said database includes,

a first terminal database for storing the authentication information of the user and the authentication methods demanded by the user of said first terminal, and

a second terminal database for storing an authentication method demanded by the user of the second terminal, wherein the processing unit sets up an agreeable authentication method in accordance with the authentication methods stored in the first terminal database and the second terminal database.

74. (Currently amended) An apparatus according to claim ~~73~~ 71, wherein each of the second terminal database and the first terminal database stores at least one of: a visual authentication method, a password authentication method a voice authentication method, an iris image authentication method, a retina image authentication method, and a fingerprint authentication method.

77. (Currently amended) An apparatus according to claim ~~73~~ 71, wherein the second terminal database stores different authentication methods in accordance

with a purchase amount limit predetermined by the second terminal, the first communication unit receives the purchase amount from the second terminal, and the processing unit retrieves one of the authentication methods from the second terminal database, based on the purchase amount received by the first communication unit.

78. (Currently amended) An apparatus according to claim ~~73~~ 71, wherein the processing unit sets the authentication method demanded by the first terminal as the agreeable authentication method if the second terminal does not set the authentication method, and the processing unit sets the authentication method demanded by the second terminal as the agreeable authentication method if the first terminal does not set the authentication method.

84. (Currently amended) A recording medium which stores a program for a computer, communicating with a second terminal performing billing of an authentication and with a first terminal, which is at least one of a cellular phone and a PDA, performing paying of the authentication, and performs a settlement of the authentication, the program comprising:

- a first communication module which prompts to communicate to the second terminal via a first communication network;

- a second communication module connected to the first terminal via a second communication network;

- a storage module for storing authentication information of a user and a plurality of authentication methods; and

a processing module which performs the settlement of the authentication by mediating a communication between the first terminal and the second terminal one-to-one when one of the first communication unit and the second communication unit receives an ID information from one of the second terminal and the first terminal so as to determine that the second terminal and the first terminal are participating in a same purchase, wherein the processing module processes an authentication of the user or mediates the authentication of the user processed by the first terminal and the second terminal, by using the authentication information stored in the storage module in a manner selected by either one of the users of the first terminal and the second terminal,

wherein, when one of the first communication module and the second communication module receives a request signal from one of the second terminal and the first terminal, the processing module sets up the ID information and one of the first and second communication modules transmits the ID information to the one of the second terminal and the first terminal which sent the request signal, and when one of the first and second communication modules receives the same ID information from the other one of the first terminal and the second terminal, the processing module mediates the communication between the first terminal and the second terminal, the settlement of the purchase is executed by an instruction from said first terminal during mediating the communication with the first terminal and the second terminal, and

wherein the request signal includes a unique ID of at least one of the first communication module and the second communication module, and

wherein said storage module includes,

a first terminal database for storing the authentication information of the user and the authentication methods demanded by the user of said first terminal, and

a second terminal database for storing an authentication method demanded by the user of the second terminal, wherein the processing module sets an agreeable authentication method in accordance with the authentication method stored in the first terminal database and the authentication method stored in the second terminal database.

86. (Currently amended) A method of effecting an authentication through a communication network, comprising:

inputting authentication information of a user purchasing an item through a first terminal, which is at least one of a cellular phone and a PDA, to the communication network;

charging the user of the first terminal a purchase amount through a second terminal over the communication network;

storing authentication information of the user and a plurality of authentication methods in a database; and

performing settlement of the authentication by mediating a communication between the first terminal and the second terminal one-to-one when receiving an ID information from one of the first terminal and the second terminal so as to determine that the first terminal and the second terminal are participating in a same purchase, the mediating using at least one of the authentication methods that has been selected by

either one of the users of the first terminal and the second terminal, the selected authentication method being processed between the first terminal and the second terminal that have been determined to be participating in the same purchase, wherein one of the mediating and the charging authenticates the user by using the authentication information stored in the database,

wherein, when receiving a request signal from one of the first terminal and the second terminal, the mediating involves set up and transmission of the ID information to the one of the first terminal and the second terminal which sent the request signal, and when receiving the same ID information from the other one of the second terminal and the first terminal, the mediating involves communication with the first terminal and the second terminal, the settlement of the purchase is executed by an instruction from said first terminal during mediating the communication with the first terminal and the second terminal, ~~and~~

wherein the request signal includes a unique ID of at least one of the first terminal and the second terminal, and

wherein said database includes,

a first terminal database for storing the authentication information of the user and the authentication methods demanded by the user of said first terminal, and

a second terminal database for storing an authentication method demanded by the user of the second terminal, wherein the performing step sets an agreeable authentication method in accordance with the authentication

method stored in the first terminal database and the authentication method stored in the second terminal database.

***Allowable Subject Matter***

2. Claims 2, 11-13, 54, 57-68, 70, 71, 74-81, and 83-87 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Kesack whose telephone number is (571)272-5882. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted,

Daniel Kesack  
Art Unit 3691  
/D. K./  
Examiner, Art Unit 3691  
/Alexander Kalinowski/  
Supervisory Patent Examiner, Art Unit 3691